



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-19

Legistar #: 20140617

Board of Zoning Appeals Hearing: Monday, June 23, 2014 – 6:00 p.m.

Property Owner: Paul Gilreath
161 Blair Valley Drive
Marietta, GA 30060

Address: 161 Blair Valley Drive

Land Lot: 11450 District: 16 Parcel: 2550

Council Ward: 5A Existing Zoning: PRD-SF (Planned Residential
Development-Single Family)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the required rear yard setback for an attached storage building from 20 feet to 5 feet. [§708.09(F)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Front of 161 Blair Valley Drive



Rear access to 161 Blair Valley Drive



Proposed storage building location

Recommended Action:

Approval, as shown on plans. The property owner, Dr. Paul Gilreath, is requesting a variance to reduce the rear yard setback for a storage building - that will be connected by a breezeway to the garage - on the property at 161 Blair Valley Drive. The subject property and the properties located immediately to the south, east and west are within the same development (440 Cherokee) and are zoned PRD-SF (Single Family Residential). The adjacent properties located to the north face Freyer Drive and are zoned R-3 (Planned Residential Development – Single Family). The subject property is a vacant lot comprised of 0.217 acres within the Blair Valley Subdivision.

PRD-SF zoning differs from most other residential zoning districts in that it does not have a set standard for setbacks, height, building coverage, minimum house size, etc. This allows more flexible and creative development patterns by having City Council set the allowable bulk and area regulations on a case-by-case basis either during rezoning or as a detailed plan. In this case (Z-9315), the property was rezoned in November 1993 according to a plan specifying a minimum 20 ft. front setback, 20 ft. rear setback and 10' side setback (20' between buildings). This plan did not specify the minimum building coverage or maximum impervious surface area allowed on the lots in the subdivision; however, it did set the height limit at 35,' which is consistent with height limits in other zoning districts.

The applicant wishes to build an addition that includes an attached storage building onto his home on the property at 161 Blair Valley Drive. The lot is irregularly shaped because two (2) lots have been combined to create the current configuration. There is also a drainage easement that currently runs diagonally through the property, which complicates the planned addition. The drainage pipe and accompanying easement were previously moved to allow for the garage addition. However, the new location of the drainage easement forces the storage building to locate across the easement area, and within 5 feet of the rear property line. The storage building will be connected to the garage by an open breezeway – since nothing can be built directly on the easement area.

There is a history of side setback reductions for the lots within this subdivision, which include:

1. 180 Blair Valley Drive – (AV9803) variance to reduce the side yard building setback to 6 ft.,
2. 186 Blair Valley Drive – (AV9803) variance to reduce the side yard building setback to 6 ft.,
3. 198 Blair Valley Drive – (AV2005-34) variance to reduce the rear setback to 10 ft. and the side setback on one side to 6 ft.
4. 197 Blair Valley Drive- (AV2012-19) variance to reduce the east side yard setback to 6 ft.; and to reduce the west side yard setback to 9.6 ft.

The Public Works Department has commented that because of the proximity to the property lines, there can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. However, given the size of the proposed building, *staff recommends approval of the variance specifically as shown on the attached plans.*